

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02342

COUNSEL: NONE

HEARING DESIRED: NO

DEC 10 1998

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APPLICANT REQUESTS THAT:

The Officer Performance Report (OPR) closing 23 May 1993 be removed from his records and replaced with a reaccomplished report and that he be considered for promotion to the grade of major by Special Selection Board (SSB) for the Calendar Year (CY) 1996A Central-Major Selection Board.

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APPLICANT CONTENDS THAT:

Information was inadvertently omitted from the contested report. Specifically, his accomplishments at his previous unit, his significant training accomplishments, and an intermediate service school (ISS) recommendation by the additional rater were absent from the report. Collectively, these errors and omissions, acknowledged by his rating chain and other witnesses, indicate this OPR is not a fair and accurate assessment of his accomplishments during the contested rating period, nor a complete record of his potential for advancement.

In support of his request, applicant provided his expanded comments, copies of the contested report and a reaccomplished report, and copies of his appeals submitted under the provisions of AFR 31-11, which included supporting statements from the members of his rating chain. (Exhibit A)

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STATEMENT OF FACTS:

On 17 December 1985, applicant was appointed as second lieutenant, Reserve of the Air Force. He was ordered to extended active duty on that same date. He has served on continuous active duty and was integrated into the Regular component on 25 September 1986. He is currently serving on active duty in the grade of major, with a date of rank and effective date of 1 October 1997.

A resume of applicant's OERs/OPRs follows:

<u>PERIOD CLOSING</u>	<u>OVERALL EVALUATION</u>
18 Jul 86	Education/Training Report (TR)
18 Jan 87	1-1-1
18 Jul 87	1-1-1
18 Jan 88	1-1-1
17 Jun 88	1-1-1
28 Oct 88	Meets Standards (MS)
28 Sep 89	MS
10 Jul 90	MS
10 Jul 91	MS
10 Jul 92	MS
* 21 Feb 92	TR
* 23 May 93	MS
23 May 94	MS
23 May 95	MS
6 Sep 96	TR
28 Feb 97	MS

\* Contested report. Similar appeals submitted under the provisions of AFI 36-2401 (formerly AFR 31-11) were denied by the Evaluation Report Appeal Board on 24 September 1996 and 30 June 1997, respectively.

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AIR FORCE EVALUATION:

The Appeals and SSB Branch, AFPC/DPPPA, reviewed this application and recommended denial based on the information provided.

DPPPA noted the statements provided by the evaluators of the contested report. Regarding the claim that an ISS recommendation was not allowed by the command when the applicant's report closed out, no evidence has been presented to this effect. The evaluators state it was a "verbal" policy. Further, the rater recommends the applicant for professional military education (PME) in his section of the contested report, which contradicts the "policy" the evaluators say existed. Their contention that a recommendation for PME was allowed, but a recommendation for ISS was not, is not plausible.

The rater stated his PME recommendation was intentionally weakened at higher headquarters (indicating conscious thought), while the additional rater states the rater's PME recommendation must have "slipped by." A sentence on an OPR cannot be intentionally prohibited and an administrative oversight at the same time. DPPPA believes this issue is without merit and they do not recommend replacement of the contested OPR in relation to the PME recommendation.

DPPPA did not concur with applicant's request to rewrite the contested report to include different duty information. Nowhere in this appeal does the applicant or his evaluators cite factual error. The willingness of evaluators to rewrite an OPR is not, by itself, a valid reason to do so. The original OPR made use of all available space to document what the evaluators determined were the applicant's major accomplishments for the reporting period. Any OPR can be rewritten to be stronger and more hard hitting ad infinitum. The appeals process does not exist to replace accurate reports.

The complete evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant stated a key issue is whether improper command policy had been issued by his higher headquarters at the time or if his entire direct chain of command and OPR processing personnel misunderstood command policy, thus resulting in an incomplete OPR lacking a definitive ISS endorsement by both the rater and additional rater. He believes he has clearly shown in his supporting documentation that incorrect guidance had been issued by their higher headquarters either verbally, unofficially or otherwise and that his unit and supervisory chain were following guidance which later turned out to be incorrect.

During the initial period covered by the contested OPR, he was stationed in Germany under a different rater and additional rater. His rater and additional rater both document that they failed to obtain, consider and include his performance during the portion of the reporting period when he was outside their supervision in Germany. They have requested, and should now be permitted, to complete his OPR with performance information for the entire period.

His evaluators all state that they incorrectly failed to document his completion of formal training during the reporting period and request the opportunity to complete his record by adding this information.

Applicant's response is at Exhibit E.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We have noted applicant's complete submission in judging the merits of the case, including the supporting statements from the evaluators on the contested report. While supportive of the applicant's appeal, the statements from the evaluators do not, in our opinion, support a finding that the contested report is in error or unjust as rendered, only that it could have been written differently. Nor were we persuaded by the evidence provided that the evaluators were prohibited from including a recommendation for Intermediate Service School (ISS) on the report. Based on the foregoing, and in the absence of persuasive evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 18 June 1998, under the provisions of AFI 36-2603:

Mr. Charles E. Bennett, Panel Chair  
Mr. Steven A. Shaw, Member  
Mr. John T. Dorsett, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 2 Aug 97, w/atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, AFPC/DPPPA, dated 18 Aug 97.  
Exhibit D. Letter, SAF/MIBR, dated 22 Sep 97.  
Exhibit E. Letter, Applicant, dated 6 Oct 97.

  
CHARLES E. BENNETT  
Panel Chair